

REMARKS

Claims 1 to 45 are pending. Claims 1 to 16, 19, 20, 25 to 33, 35 to 40, and 43 to 45 have been amended in response to the rejections under 35 U.S.C. §§101 and 112.

Claims 1, 25, 26, and 43 “and all their dependents” were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. It is believed that the Examiner includes as the “dependents” claims 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 which are directly or indirectly dependent on claim 1, claim 27 which is dependent on claim 25, claim 28 which is dependent on claim 26, and claim 44 which is dependent on claim 43. The Examiner is thanked for his helpful suggestions for overcoming this rejection, and his suggestions have been incorporated into the independent claims 1, 25, 26, and 43 by this amendment. As amended, it is believed that the rejection under 35 U.S.C. §101 has been overcome and, therefore, withdrawal of the rejection is respectfully requested.

Claims 2–4, 15, 16, 27, 30, 37–39, and 43–45 were rejected under 35 U.S.C. §112, second paragraph, “as failing to set forth the subject matter which applicant(s) regard as their invention.” Again, the Examiner has been most helpful in identifying the corrections needed to the claims and, pursuant to the Examiner’s specific request to review all the claims concerning 35 U.S.C. §112, second paragraph, issues, the claims have been amended. In particular, the convention of “contributing client” and “evaluating client” suggested by the Examiner has been adopted in the amendments to the claims. As amended, it is believed that the rejection under 35 U.S.C. §112, second paragraph, has been overcome and, therefore, withdrawal of the rejection is respectfully requested.

The claimed invention is directed to a method of attracting customers to a bulletin board maintained on a information transmitting server to which a plurality of clients are attached via the Internet. The method increases the incentive of the user to contribute to the bulletin board and help the user intend to contribute significant information that is interesting. This is done by assigning points to a contribution that is made to the bulletin board depending on its content and

discounting merchandise to be purchased next time or applying for a premium depending on the number of assigned points. With this arrangement, it is expected that the number of contributions to the bulletin board will be increased, and the number of significant contributions that are interesting will be increased.

According to the present invention, when a client connected to a server via the Internet contributes an article to a bulletin board supplied from the server, another client which has seen the article evaluates the article, and enters the evaluation in the bulletin board. For example, the other client votes for or against the contributed article. Depending on the evaluation, the client that has contributed the article is given a certain benefit. If the other client votes for or against the article, then the client that has contributed the article is given a benefit depending on the number or proportion of votes for the article. The client that has evaluated the article is also given a certain benefit depending on the number of reactions to the article in the bulletin board, i.e., the number of times that the evaluation is entered.

Inasmuch as the client is given a benefit depending on the contribution of an article to the bulletin board and a reaction to the contribution, the number of times that the client uses the bulletin board increases. Therefore, home pages with the bulletin board have an increased customer attracting capability, resulting in an increased advertisement effect for goods or services displayed on the home pages and companies or goods or services using the bulletin board.

Inasmuch as an evaluation of a contributed article, which serves as a criterion for giving a benefit, is made by another client who has seen the bulletin board, the article can be evaluated without a large expenditure of labor and cost. Moreover, the evaluation is less likely to reflect a subjective aspect of the administrator of the bulletin board, and the clients have an increased motivation for making contributions to the bulletin board.

If a page with the bulletin board displayed therein is combined with a page for purchasing merchandise, then more opportunities are available for the user to purchase merchandise with a reduced expenditure of cost and labor.

Claims 1–6, 15, 16, 19–22, 25, 26, 29–31, 38, 40, 41, and 45 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,556,992 to Barney et al. This rejection is respectfully traversed for the reason that Barney et al. does not show or suggest the claimed invention. Claims 7, 8, 13, 14, 32, and 35–37 were rejected under 35 U.S.C. §103(a) as being unpatentable over the patent to Barney et al. Again, this rejection is respectfully traversed for the reason that Barney et al. neither shows nor suggests the claimed invention.

Barney et al. disclose a statistical patent rating method and system for independently assessing the relative breadth (B), defensibility (D) and commercial relevance (R) of individual patent assets and other intangible intellectual property assets. Relative ratings or rankings are generated using a database of patent information by identifying and comparing various characteristics of each individual patent to a statistically determined distribution of the same characteristics within a given patent population. For example, a first population of patents having a known relatively high intrinsic value or quality (e.g., successfully litigated patents) is compared to a second population of patents having a known relatively low intrinsic value or quality (e.g., unsuccessfully litigated patents). Based on a statistical comparison of the two populations, certain characteristics are identified as being more prevalent or more pronounced in one population group or the other to a statistically significant degree. Multiple such statistical comparisons are used to construct and optimize a computer model or computer algorithm that can then be used to predict and/or provide statistically-accurate probabilities of a desired value or quality being present or a future event occurring, given the identified characteristics of an individual patent or group of patents.

Barney et al. do not contemplate, much less disclose, a bulletin board system, as specifically recited in the claims. Barney et al. have a completely different system and purpose in mind, i.e., a statistical patent rating system, than the claimed invention, i.e., an on-line bulletin board system which includes incentives to obtain participation. Barney et al. do not disclose or require a network, such as the Internet, for the practice of their statistical patent rating system, whereas that is precisely the environment required for the practice of the

claimed invention.

Claim 1 recites a “method of *attracting customers in a bulletin board* supplied from a *server* connected to a *plurality of clients* via a *network*” (emphasis added). The recited method is “electronically giving a *contributing client* connected to the server a predetermined benefit depending on the *level of a reaction from an evaluating client with respect to an article which has been contributed to the bulletin board by said contributing client*” (emphasis added). There is no statistical database involved as in Barney et al.

Similarly, claim 25 recites a “method of *attracting customers in a bulletin board* supplied from a *server* connected to a *plurality of clients* via a *network*” (emphasis added). The recited method is “*displaying by the server on a client connected to the network an evaluation of an article which has been contributed to the bulletin board by a contributing client, by an evaluating client*” (emphasis added). Again, there is no statistical database involved as in Barney et al.

Claim 26 recites a “method of *attracting customers in a bulletin board*” (emphasis added). The recited method is “electronically *storing an article contributed to a bulletin board* contributed by a contributing client in a server from a *plurality of clients connected to said server via a network*”, “electronically *supplying the article stored in the server to another client in the network*”, and *displaying by the server on said contributing client an evaluation of said article by an evaluating client*” (emphasis added). There is nothing in Barney et al. which would remotely suggest the recited method.

Claim 29 recites a “*system using a bulletin board*” (emphasis added). the recited system comprises “*a plurality of clients*”, “*an information transmitting server connected to said plurality of clients via the Internet*”, and “*a customer information managing server*” (emphasis added). The information transmitting server supplies “*a bulletin board to said plurality of clients and . . . [gives] a contributing client a predetermined benefit depending on the level of a reaction from an evaluating client with respect to an article which has been contributed to the bulletin board by said contributing client*” (emphasis added). The customer information managing server manages “*information of the plurality of clients*”

including said benefit” (emphasis added). There is simply nothing corresponding to the specifically recited system in Barney et al.

Claim 45 recites a “*server connected to a plurality of clients via the Internet*” (emphasis added). The server supplies “*a bulletin board to said clients and . . . [gives] a contributing client a predetermined benefit depending on the level of a reaction from an evaluating client with respect to an article which has been contributed to the bulletin board by said contributing client*” (emphasis added). Barney et al. do not contemplate such a system, and the claimed invention does not employ a statistical database as do Barney et al.

Since the independent claims 1, 25, 26, 29, and 45 are clearly patentable over Barney et al., it follows that the claims dependent thereon are also patentable over Barney et al.

Claims 9–12, 17, 18, 23, 24, 27, 28, 33, 34, 39, and 42–44 were rejected under 35 U.S.C. §103(a) as being unpatentable over the patent to Barney et al., further in view of U.S. Patent Application Publication 2002/0042733 to Lesandrini et al. This rejection is also respectfully traversed for the reason that the combination of Barney et al. with Lesandrini et al. does not suggest the claimed invention. The arguments with respect to Barney et al., *supra*, are incorporated herein by reference.

Lesandrine et al. disclose enhancements to a business method for performing research over the Internet. In one aspect, a user is requested to select a ratable object, and the user is then requested to select a color to associate with the selected ratable object, after the selected ratable object has been viewed by the user so that research result is obtained. In another aspect, a community web site is provided for a plurality of users for a first targeted industry. User information for the plurality of users of the community web site are gathered. Thought leaders among the plurality of users of the community web site are then identified. In yet another aspect, as a way to entice users to a website for gaining research information, a user is allowed to select an advertisement from a plurality of advertisements and the user is allowed to send an email containing a link to the selected advertisement.

While Lesandrini et al. employs web sites, Lesandrini et al. are not concerned with a bulletin board system, as specifically claimed. Moreover, the combination of Lesandrini et al. with Barney et al. does not suggest a bulletin board system in which clients are encouraged to contribute articles and receive benefits according to how the contributed articles are evaluated by other clients.

Considering specifically independent claim 43, claim 43 recites a “*system using a bulletin board*” (emphasis added). The recited system comprises “*a plurality of clients*” and “*an information transmitting server connected to said clients via the Internet*” (emphasis added). The information transmitting server “*electronically . . . [supplies] a bulletin board to said clients and . . . [displays] an evaluation of an article contributed by a contributing client to said bulletin board by an evaluating client, on said contributing client*” (emphasis added). The combination of Barney et al. and Lesandrini et al. does not suggest this specifically recited system.

The Examiner is reminded of the basic considerations which apply to obviousness rejections as set out in MPEP 2141. Specifically, “When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- “(A) The claimed invention must be considered as a whole;
- “(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- “(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- “(D) Reasonable expectation of success is the standard with which obviousness is determined.”

In the present case, it is clear that the claimed invention, when considered as a whole, and the references, when considered as a whole, address distinctly different problems and provide distinctly different solutions, in terms of procedure and system organization and operation. Moreover, the references relied upon are themselves quite distinct from one another and would not ordinarily be combined by one skilled in the art for any reason, much less to solve the problem solved by the claimed invention.

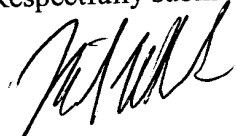
The prior art made of record but not relied upon has been reviewed; however, none of the prior art cited is believed to be relevant to the specifically claimed invention.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 to 45 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,



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